

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1008 OF 2006

Ashok J. Chaurasia .. Petitioner

Versus

MHADA & Ors. .. Respondents

Mr.R.J.Singh i/b. R.J.Singh & Co. for petitioners

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st February 2006.

P.C.

. Heard Mr.Singh for petitioner. In my view, no prejudice will be caused to petitioner if compliance is made with the direction of the trial court to submit proof of the death of

deceased defendant. The explanation placed before me that neither the Advocate nor the family members are cooperating cannot be an answer not to comply with this direction. The trial court has not rejected the application for bringing legal heirs on record but it seeks proof of death and it cannot be said that such insistence is so unreasonable or palpably erroneous so as to call for interference under writ jurisdiction. Petition dismissed.

(S.C.DHARMADHIKARI, J)